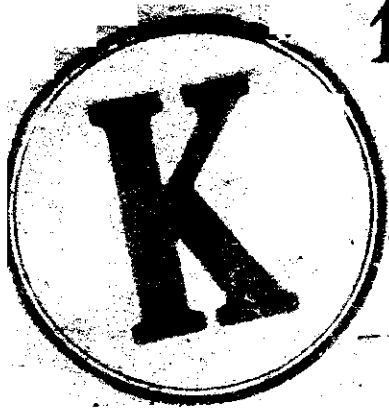




1952.

File No. O. Arbitration/52

Legal Department

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BRANCH

Subject:—

Opinions under
The Indian Arbitration,
Act, 1940.

File No. O. Arbitration/52

Gen. 194-e.

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Office of the R.L.A.Remuneration of
Arbitrators.

The question of what remuneration an arbitrator is antitled to depends upon express promise or upon an undertaking, to be ~~him~~ implied from his appointment, to remunerate him reasonably for his services. (See Russell on Arbitration; p. 354). Government had apparently considered that an additional remuneration of L. 1000/- to each arbitrator would be reasonable and it was accordingly sanctioned in the endorsement dated 6th June, 1950. From the arbitrators' letter it appears that they have practically completed the partition and whatever has been left undone is due to Government's orders. In view of this position, it would not be reasonable to refuse payment of the additional remuneration sanctioned in the above mentioned endorsement.

Remembrancer of Legal Affairs.

U.R. to R.D. No. 2981, Dated 25th Feb., 1952.

Lands.

Acquisition of-
Dispute regarding compensation
appointment of Arbitrator.

GOVERNMENT OF BOMBAY,
Labour and Housing Department,
Resolution No. 780/46-IV,
Secretariat (Annexe), Fort,
Bombay, 12th August 1952.

Letter from the Collector, Bombay Suburban District, No. W.A.R. 313, dated the 14th January 1952 forwarding application dated the 13th December 1951 from Dr. Cecil Joseph F. D'Monte requesting for a reference to arbitration to determine the amount of compensation payable in respect of property situated at Versova, Bombay Suburban District, specified in the schedule appended hereto, and acquired under the Defence of India Rules.

RESOLUTION: Government has decided that the dispute regarding the amount of compensation payable in respect of the property, particulars of which are contained in the appended schedule and which was acquired under the Defence of India Rules, should be referred to arbitration in accordance with the provisions of Section 19 of the Defence of India Act, 1939, and the Rules for the Conduct of Arbitration Proceedings published in Government Notification, No. 7926/39, dated the 21st July 1943, as amended by Government Notifications No. 7926/39, dated the 19th June and 14th December 1944, read with sub-section (3) of section 6 of the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947), and sections 2 and 3 of the Requisitioned Land (Continuance of Powers) (Bombay Amendment) Act, 1951 (Bom. I of 1951). The application submitted by Dr. Cecil Joseph D'Monte should accordingly be forwarded to the Arbitrator for determining the amount of compensation in respect of the said property.

2. In exercise of the powers of the Central Government under Clause (b) of Sub-Section (1) of Section 19 of the Defence of India Act, 1939 (~~XXXV~~ X XV of 1939), entrusted to the Provincial Governments by the Government of India, Defence Department Notification No. 1365-OR/42, dated 19th September 1942 read with sub-section (3) of section 6 of the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947), and sections 2 and 3 of the Requisitioned Land (continuance of powers) (Bombay Amendment) Act, 1951 (Bom. I of 1951), the Government of Bombay is pleased to appoint the Civil Judge (Senior Division), Thana, as arbitrator *and to nominate the consulting surveyor to Govt. as an expert to assist the Arbitrator on behalf of* Government. The requisite Notification regarding the appointment of the Arbitrator should be published in the Bombay Government Gazette.
3. The Solicitor to the Government of Bombay is requested to appear and to engage Counsel, if necessary, to conduct the case before the Arbitrator.
4. The Collector of Bombay Suburban District should convey these orders to the party concerned and should report to Government the decision of the Arbitrator with his remarks.

By order of the Governor of Bombay,

Assistant Secretary to the Government of Bombay,
Labour and Housing Department.

To

The Secretary, Bombay Housing Board, Bombay,
 The Collector of Bombay Suburban District,
 The District Judge, Thana,
 * The Civil Judge, Senior Division, Thana,
 The Solicitor to the Government of Bombay,
 The Accountant General, Bombay (through the
 Finance Department),
 The Finance Department,
 The Legal Department,
 The Home Department,
 The Local Self Government and Public Health
 Department,
 The Revenue Department,
 The Consulting Surveyor to Government.

* (with application)

Accompaniment to Government Resolution
 No. 780/46-IV, dated the 12th August 1952.

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SCHEDULE.

<u>Description of property.</u>	<u>Area.</u>		<u>Collector's</u>	
	A.	G.	<u>Notice.</u>	
	A.		Number.	Date.
S.No. 51 (part South)				
Versova B.S.D.	3	9 - 4	W.A.R. 313	25th March, 1949
S.No. 97 Versova, Bombay Suburban District.	0	21 - 0	- do -	
S.No. 46 Hissa No. 1, Versova, Bombay Suburban District.	1	12-0	- do -	

Legal Department.

The Solicitor to the Government of Bombay does not appear in such cases. The L. & H.D. may authorise the Distt. Govt. Pleader, Thana to appear in the case. The G.R. may be amended accordingly.

Solicitor to Government.

U.R. to L. & H.D., No. 14122, dated the 29th Aug. 1952.

Lands and Buildings; Poona.

Acquisition of -- Dispute regarding
compensation and appointment of arbitrator.

GOVERNMENT OF BOMBAY

Revenue Department

Resolutions No. 2106/51

Bombay Castle, 4th December 1952.

Letter 4954 from the Collector of Poona, No. MIL/674, dated 14th November 1951 forwarding an application, dated 28th August 1951 from Shri Muluk Sherior Irani. requesting for a reference to arbitration to determine the amount of compensation payable in respect of the property situate at Kivale specified in the schedule appended hereto and acquired under the Requisitioned Land (Continuance of Powers) Act, 1947.

RESOLUTION: Government has decided that the dispute regarding the amount of compensation payable in respect of the property particulars of which are contained in the appended schedule and which was acquired under the Requisitioned Land (Continuance of Powers) Act 1947, should be referred to Arbitration in accordance with the provisions of Section 19 of the Defence of India Act, 1939, and the rules for the conduct of Arbitration Proceedings published in Government Notifications No. 7926/39, dated 19th June 1944 and 14th December 1944, read with Section 6 of the Requisitioned Land (Continuance of Powers) Act, 1947 (XVII of 1947). The application submitted by Shri Mulik Sherior Irani should accordingly be forwarded to the Arbitrator for determining the amount of compensation in respect of the property.

2. In exercise of the powers of the Central Government under Clause (b) of sub-section (1) of Section 19 of the Defence of India Act, 1939

1939, (XXXV of 1939), entrusted to the Provisional Governments by the Government of India, Defence Department, Notification No. 1365/OR/42, dated 19th September 1942, read with Section 6 of the Requisitioned Land (Continuance and sec 6 of the General Clauses Act, 1897 (X of 1897) of Powers), Act, 1947 (XVI of 1947) the Government of Bombay is pleased to appoint the Civil Judge (Senior Division), Poona, as arbitrator and to nominate the District Government Pleader, Poona, as an expert to assist the Arbitrator on behalf of Government. The requisite Notification regarding the appointment of Arbitrator should be published in the Bombay Government Gazette.

3. The Collector of Poona should convey these orders to the parties concerned and should report to Government the decision of the Arbitrator with his remarks.
4. The expenditure incurred on account of the Arbitration Proceedings should be debited to the head "S-Remittances etc."

By order of the Governor of Bombay,

G. R. RADDI,
Deputy Secretary to Government.

Government Resolution, Revenue Department No. 2106/51, dated the 4th December 1952.
To

The Collector of Poona,
The District Judge, Poona,
*The Civil Judge, Senior Division, Poona,
The District Government Pleader, Poona,
The Accountant General (through the Finance Department),
The Finance Department,
The Legal Department,
The Home Department,

- 3 -

Accompaniment to Government Resolution No.
2106/51, dated 4th December 1952.

SS: SCHEDULE.

<u>Lands.</u>				<u>Collector's Notice.</u>
1				2
Survey No.	Hissa No.	Acres	Gunthas	
45	1	32	29	No. MIL/674, dated 14th April 1948.
~~44~~	2	0	6	

No.

of 1952.

Copy forwarded for information and guidance
to :-